

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

ROCHESTER DRUG CO-OPERATIVE, INC.,

Debtor.

Advisory Trust Group, LLC, in its capacity as
trustee of the RDC LIQUIDATING TRUST,

Plaintiff,

v.

LAURENCE F. DOUD III, DONALD
ARTHUR, STEPHEN GIROUX,
CHRISTOPHER CASEY, CARRY MROZEK,
RICHARD KLENK, SHERWOOD KLEIN,
JOE LECH, BORIS MANTELL, JOSEPH
SCOTT MISKOVSKY, and PAUL
PAGNOTTA, individually as members of the
Debtor's Board of Directors,

Defendants.

)
) Chapter 11

)
) Case No. 20-20230 (PRW)

)
) Adv. Proc. No. 22-02073 (PRW)

Defendant Laurence F. Doud III, as for his Omnibus Answer to Defendants' Cross-
Claims, hereby states as follows:

**I. CROSS-CLAIMS BY DEFENDANTS BORIS MANTELL, JOSPEH SCOTT
MISKOVSKY, JOSEPH LECH, GARRY MROZEK**

RESPONSE TO SPECIFIC ALLEGATIONS IN THE COMPLAINT

1. Defendant Doud admits paragraph 1 of the Complaint.
2. Defendant Doud admits paragraph 2 of the Complaint.

3. Defendant Doud admits paragraph 3 of the Complaint.
4. Paragraph 4 of the Complaint presents legal conclusions to which no response is required.
5. Paragraph 5 of the Complaint presents legal conclusions to which no response is required.
6. Paragraph 6 of the Complaint presents legal conclusions to which no response is required.

II. THE PARTIES

7. Defendant Doud admits the allegations of paragraph 7.
8. Defendant Doud admits the allegations of paragraph 8.
9. Defendant Doud lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.
10. Defendant Doud admits the allegations contained in Paragraph 10 of the Complaint.

III. FACTUAL BACKGROUND

11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.
12. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.
13. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.
14. Defendant admits the allegations of Paragraph 14 of the Complaint.
15. Paragraph 15 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
16. Paragraph 16 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
17. Paragraph 17 is argumentative, presents legal conclusions and questions of law to be

determined by the Court, and, thus, to which no response is required and is otherwise denied.

18. Paragraph 18 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

19. Paragraph 19 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

20. Paragraph 20 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

21. Paragraph 21 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

22. Paragraph 22 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

23. Paragraph 23 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

24. Paragraph 24 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

25. Paragraph 25 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

26. Paragraph 20 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

27. Paragraph 20 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

28. Paragraph 20 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

29. Paragraph 20 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

30. Paragraph 20 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

31. Defendant admits the allegations contained in Paragraph 31 of the Complaint.

32. Defendant admits the allegations contained in Paragraph 31 of the Complaint.

33. Defendant admits the allegations contained in Paragraph 31 of the Complaint.

34. Defendant denies the allegations in Paragraph 34 of the Complaint.

IV. LIABILITY OR DAMAGES

35. Paragraph 35 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

36. Paragraph 36 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

37. Paragraph 37 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

38. Paragraph 38 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

39. Paragraph 39 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

FIRST CLAIM FOR RELIEF

40. Defendant Doud repeats and realleges Paragraphs 1-39 above as if fully set forth herein.

41. Paragraph 41 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

42. Paragraph 42 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

43. Paragraph 43 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

44. Defendant denies the allegations contained in Paragraph 44 of the Complaint.

45. Paragraph 45 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

46. Paragraph 46 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

47. Defendant denies the allegations contained in Paragraph 47 of the Complaint.

48. Paragraph 48 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

49. Paragraph 49 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

50. Paragraph 50 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

51. Paragraph 51 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

52. Paragraph 52 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

SECOND CLAIM FOR RELIEF

53. Defendant Doud repeats and realleges Paragraphs 1-52 above as if fully set forth herein.

54. Paragraph 54 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

55. Paragraph 55 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

56. Paragraph 56 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

57. Paragraph 57 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

58. Paragraph 58 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

59. Paragraph 59 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

60. Paragraph 60 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

61. Paragraph 61 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required

62. Paragraph 62 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

63. Paragraph 63 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

64. Paragraph 64 is argumentative, presents legal conclusions and questions of law to be

determined by the Court, and, thus, to which no response is required.

65. Paragraph 65 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

66. Paragraph 66 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

THIRD CLAIM FOR RELIEF

67. Defendant Doud repeats and realleges Paragraphs 1-66 above as if fully set forth herein.

68. Paragraph 68 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

69. Paragraph 69 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

70. Paragraph 70 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

71. Paragraph 71 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

72. Paragraph 72 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

73. Paragraph 73 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

74. Paragraph 74 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

75. Paragraph 75 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

76. Paragraph 76 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

FOURTH CLAIM FOR RELIEF

77. Defendant Doud repeats and realleges Paragraphs 1-76 above as if fully set forth herein.

78. Paragraph 78 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

79. Paragraph 79 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

80. Paragraph 80 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

81. Paragraph 81 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

FIFTH CLAIM FOR RELIEF

82. Defendant Doud repeats and realleges Paragraphs 1-81 above as if fully set forth herein.

83. Paragraph 83 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

84. Paragraph 84 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

85. Paragraph 85 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

86. Paragraph 86 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.

II. CROSS-CLAIMS BY DEFENDANT PAUL PAGNOTTA

RESPONSE TO SPECIFIC ALLEGATIONS IN THE COMPLAINT

AS AND FOR THE FIRST CROSS-CLAIM

- 157. Defendant Doud admits the allegations in Paragraph 157 of the Complaint.
- 158. Defendant Doud admits the allegations in Paragraph 158 of the Complaint.
- 159. Defendant Doud admits the allegations in Paragraph 159 of the Complaint.
- 160. Paragraph 160 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

III. CROSS-CLAIMS BY DEFENDANT SHERWOOD KLEIN

RESPONSE TO SPECIFIC ALLEGATIONS IN THE COMPLAINT

AS AND FOR A FIRST CROSS-CLAIM

- 157. Defendant Doud admits the allegations in Paragraph 157 of the Complaint.
- 158. Defendant Doud admits the allegations in Paragraph 158 of the Complaint.
- 159. Defendant Doud admits the allegations in Paragraph 159 of the Complaint.
- 160. Paragraph 160 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

IV. CROSS-CLAIMS BY DEFENDANTS DONALD ARTHUR, STEPHEN GIROUX, AND RICHARD KLENK

RESPONSE TO SPECIFIC ALLEGATIONS IN THE COMPLAINT

AS AND FOR DEFENDANTS' FIRST CROSS-CLAIM

- 178. Paragraph 178, no response is required.

179. Paragraph 179 presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.
180. Paragraph 180 presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.
181. Paragraph 181 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required.
182. Paragraph 182 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
183. Paragraph 183 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
184. Paragraph 184 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
185. Paragraph 185 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
186. Paragraph 186 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
187. Paragraph 187 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
188. Paragraph 188 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
189. Paragraph 189 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.
190. Paragraph 190 is argumentative, presents legal conclusions and questions of law to be

determined by the Court, and, thus, to which no response is required and is otherwise denied.

191. Paragraph 191 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

192. Paragraph 192 is argumentative, presents legal conclusions and questions of law to be determined by the Court, and, thus, to which no response is required and is otherwise denied.

193. Defendant Doud denies the allegations in Paragraph 193.

194. Defendant Doud denies the allegations in Paragraph 194.

AND AS FOR A FIRST AFFIRMATIVE DEFENSE
(AS AGAINST ALL CROSS-CLAIMING DEFENDANTS)

Each and every of the cross-claims fail to state a claim upon which relief may be granted under the law.

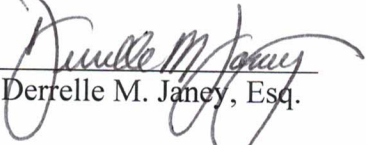
AND AS FOR A SECOND AFFIRMATIVE DEFENSE
(AS AGAINST ALL CROSS-CLAIMING DEFENDANTS)

The cross-claims and each claim purported to be alleged therein are barred under the doctrine of unclean hands.

Dated: New York, New York
June 8, 2022

Respectfully submitted,

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